

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JEFFERY DAVIS

PLAINTIFF

v.

No. 4:07CV104-P-B

SHERIFF MILTON GASTON, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendations of the United States Magistrate Judge dated November 16, 2007 and November 20, 2007; and the November 28, 2007 objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendations should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendations of the United States Magistrate Judge dated November 16, 2007, and November 20, 2007, are hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. The instant case is hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).

3. That this case is **CLOSED**.

THIS, the 17th day of December, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE